STATE OF ARIZONA FILED

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STATE OF ARIZONA DEPARTMENT OF INSURANCE

Respondent.

DEPT OF INSURANCE

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In the Matter of:

ORONA, LILLIAN,

(Arizona License # 960854)

(National Producer # 15665774)

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No. 10A-202-INS

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On January 13, 2011, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required Lillian Orona ("Orona" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On February 14, 2011, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

- 1. Notice was proper.
- 2. Respondent is in default.
- 3. The allegations in the Notice are deemed admitted.

CONCLUSIONS OF LAW

1 1. The conduct alleged in the Notice constitutes grounds for the Director to 2 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona, 3 pursuant to A.R.S. §20-295(A). 4 5 ORDER 6 IT IS ORDERED: 7 The insurance license held by Respondent is revoked effective upon the 1. 8 issuance of this Order. 9 The hearing set for March 24, 2011, at 8:00 a.m. shall be vacated. 10 11 12 13 CHRISTINA URIAS, Director Arizona Department of Insurance 14 COPY of the foregoing mailed this 15 8th day of <u>March</u>, 2011 to: 16 Lewis Kowal, Administrative Law Judge 17 Office of Administrative Hearings 1400 West Washington, Suite 101 18 Phoenix, Arizona 85007 19 Steven Fromholtz, Licensing Supervisor Mary Butterfield, Assistant Director 20 Catherine O'Neil, Legal Affairs Mary Kosinski, Executive Assistant for Regulatory Affairs 21 Arizona Department of Insurance 2910 North 44th Street, Suite 210 22 Phoenix, Arizona 85018 23 24 25

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Lillian Orona

3609 W. Rancho Dr. Phoenix, Arizona 85019 Respondent

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

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| BY _ | | |

| In the Matter of: |) |
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| |) Docket No. 10A-202-INS |
| ORONA, LILLIAN, |) |
| (Arizona License # 960854) (NPN # 15665774) |) NOTICE OF HEARING) |
| Respondent |) (Administrative Law Judge) Lewis Kowal) |

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or her duly designated representative on March 24, 2011, at 8:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 850071.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 et seq.).

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A clear and accurate record of the proceedings will be made either by a court reporter or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording, you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of the transcript to the court reporter or other transcriber

If you have questions concerning this Notice of Hearing please direct them to Mary Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44th Street, Suite 210, Phoenix, Arizona 85018.

NOTICE OF APPLICABLE RULES

On January 23, 1992, we adopted the rules of practice and procedure applicable in contested cases before the Director of Insurance. The hearing will be conducted pursuant to these rules. A.A.C. R20-6-101 through R20-6-115.

YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C. R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND ORDERING RESTITUTION TO ANY INJURED PERSON.

PERSONS WITH DISABILITIES

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE

ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR

ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS

SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE

ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE

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OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

The allegations supporting this Notice of Hearing are as follows:

- 1. Lillian Orona ("Respondent") is, and was at all material times licensed as a resident life producer, Arizona license number 960854, which expires July 31, 2013.
- 2. Respondent's mailing, business and residence addresses of record with the Department are: c/o Primerica, 6516 N. 7th Street, Ste. 203, Phoenix, Arizona 85014 (business and mailing); 3609 W. Rancho Dr., Phoenix, Arizona 85019 (residence).
- On or about February 17, 2010, the Department issued to Respondent an 3. insurance license as a resident life producer, Arizona license number 960854.
- 4. On June 1, 2010, the Department notified Respondent by mail at her business/mailing address of record that her fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before July 1, 2010.
- On September 9, 2010, the Department notified Respondent a second time by 5. mail at her residence address of record that it was about to initiate an administrative action against her license for failure to comply with the fingerprint requirement. The Department requested a response by September 30, 2010.
- 6. To date, Respondent has not submitted a full set of fingerprints to the Department.

VIOLATIONS

- 7. Respondent's conduct as described above constitutes the violation of the requirement that an applicant submit a full set of fingerprints to the Department within the meaning of A.R.S. § 20-285(E)(2).
- 8. Respondent's conduct as described above constitutes providing incomplete information in the license application within the meaning of A.R.S. § 20-295(A)(1).
- 9. Respondent's conduct as described above constitutes the violation of any provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of A.R.S.§20-295(A)(2).

10. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).

WHEREFORE, if after hearing, the Director finds the grounds alleged above, the Director may deny, suspend, or revoke Respondent's insurance producer's license and impose a civil penalty. A.R.S. § 20-295(A) and (F).

The Director delegates the authority vested in her to the Director of the Office of Administrative Hearings or his designee to preside over the hearing of this matter as the Administrative Law Judge, to make written recommendations to the Director consisting of proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation does not include delegation of the authority of the Director to make an order on the hearing or any other final decision in this matter. A.R.S. § 20-150.

The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01. Please find enclosed a copy of the procedures to be followed. Further hearing information may also be found at the Office of Administrative Hearings website: www.azoah.com.

DATED this 10th day of Junuary, 2011.

GERRIE MARKS, Deputy Director Arizona Department of Insurance

COPIES of the foregoing mailed/delivered, return receipt requested, this <u>13th</u> day of <u>January</u>, 2011, to:

Lillian Orona 3609 W. Rancho Dr. Phoenix, Arizona 85019 Respondent

COPIES of the foregoing mailed/delivered this 13th day of January, 2011, to:

Lillian Orona 3609 W. Rancho Dr.

| 1 | Phoenix, Arizona 85019 , Respondent |
|----|---|
| 2 | Lillian Orona |
| 3 | c/o Primerica 6516 N. 7 th St., Ste. 203 |
| 4 | Phoenix, Arizona 85014 Respondent |
| 5 | Mary E. Kosinski, Exec. Assistant for Regulatory Affairs |
| 6 | Mary Butterfield, Assistant Director Catherine M. O'Neil, Consumer Legal Affairs Officer |
| 7 | Steven Fromholtz, Licensing Supervisor Department of Insurance |
| 8 | 2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018 |
| 9 | Lewis Kowal, Administrative Law Judge |
| 10 | Office of Administrative Hearings 1400 West Washington, Suite 101 |
| 11 | Phoenix, Arizona 885007 |
| 12 | Carrey Buston |
| 13 | Curvey Walters Burton |
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